

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, June 26, 2001 – 9:00 a.m. – Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson,
Senate Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. James R. Gowans
Speaker Martin R. Stephens
Rep. John E. Swallow

Members Excused:

Rep. David Ure,
House Chair
President Al Mansell

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Susan Creager Allred,
Associate General Counsel
Ms. Cassandra Bauman,
Legislative Secretary

Note: A list of others present and copies of handouts distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order

Chair Stephenson called the meeting to order at 9:10 a.m.

MOTION: Rep. Swallow moved to approve the minutes of June 12, 2001. The motion passed unanimously with Speaker Stephens absent for the vote.

2. a. Wording of Tax Bulletin 8-95/Draft Tax Bulletin 6-01

Chair Stephenson introduced the issue. In the last Administrative Rules Review Committee meeting, the inclusion of "transportation providers" in an update of sales tax collection procedures contained in Tax Bulletin 8-95 was questioned.

Ms. Pam Hendrickson, Chair, State Tax Commission, provided background on Tax Bulletin 8-95. She explained that the bulletin was updated to provide clarification; the draft 6-01 Tax Bulletin does not include "transportation providers." She informed the committee that all bulletins are available on the Internet and that several trade organizations will be including the clarification draft in their upcoming publications.

b. Discussion of Tax Bulletins and Administrative Rules

Ms. Hendrickson stated that the bulletins are not meant to include information more appropriately established in rule. Rep. Swallow suggested that the bulletin include a disclaimer to that fact.

Mr. Kent Bishop, Governor's Office of Planning and Budget, stated that standard for

determining what to place in rule and what to include in advisory, informative and descriptive statements like bulletins may vary from agency to agency. He offered to bring to the committee an overview of how state agencies are currently approaching this issue. Committee discussion followed.

Chair Stephenson asked Mr. Bishop to look further into the issue and report back to the committee.

3. Enforcement of Child Care Center Licensing Rules

Sen. Mayne introduced the issue. He expressed his concern with the issue, noting the value of quality childcare facilities to the citizens of the state. He asked Ms. Deborah Tilley to give the committee insight on her situation with the enforcement of rules by the Department of Health's Bureau of Health Facility Licensure.

Ms. Tilley, Owner, Tilley Time Day Care Centers, related several negative experiences she has had with child care center inspectors from the Bureau of Health Facility Licensure and the agency's appeals process.

Mr. Doug Springmeyer, Legal Counsel, Department of Health, disputed Ms. Tilley's version of events involving Bureau of Health Facility Licensure employees and its appeals process and assured the committee that the department is fair in its investigations of all centers.

Ms. Iona Thraen, Director, Division of Health Systems Improvement, Department of Health, expressed her concerns on the issue.

Speaker Stephens inquired about the wording of two proposed licensing rules in the June 15, 2001 bulletin. Mr. Springmeyer said he would look further into the Speaker's concerns.

4. Implementation of S.B. 48, Passenger Limitations for Young Drivers, 2001 General Session

This issue was postponed until a future meeting.

5. Committee Business

a. Date of Next Meeting

Future meetings were scheduled for July 16, 2001 and, tentatively, August 7, 2001 at 9:00 a.m. in Room 305.

b. Items for Next Meeting

No additional items were discussed.

6. Adjourn

MOTION: Sen. Mayne moved to adjourn the meeting at 11:38 a.m. The motion passed unanimously with Sen. Dmitrich, Sen. Waddoups, and Speaker Stephens absent for the vote.

